UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AHARON MILLER, *et al.*,

                   Plaintiffs,

    - v -

ARAB BANK, PLC,

                  Defendant.

                            1:18-CV-02192 (BMC)(PK)

NATHAN PAM, *et al.*,

                   Plaintiffs,

    - v -

ARAB BANK, PLC,

                  Defendant.

                            1:18-CV-04679 (BMC)(PK)

[STIPULATED] ORDER RE: DISCOVERY OF ELECTRONICALLY STORED INFORMATION ("ESI")

The parties having met and conferred and agreed to procedures to produce ESI.

The parties agree that the overarching objective of these procedures is to make data production easily searchable and cost-effective while preserving the parties' rights to seek metadata and conduct more extensive review of particular data if a specific need arises. Those goals are reflected in the following procedures:

1. **Procedures for Producing ESI.**

    a. **On-site inspection of electronic media.** Such an inspection shall not be permitted absent the opposing party's consent or a demonstration to the Court by the requesting party of specific need and good cause.

b. Search methodology. If the producing party elects to use search terms to locate potentially responsive ESI, the parties will meet and confer on the appropriate search terms and the data sources to be searched, and the producing party shall disclose to the requesting party in writing the search terms ultimately used to conduct the search.

c. Format. ESI shall be produced to the requesting party as text searchable image files (e.g., .PDF or .TIFF (Group IV, black and white, minimum 300 DPI)). The parties shall have the option to produce non-ESI either in hard copy or as text searchable image files. When a text-searchable image file is produced, the producing party must preserve the integrity of the underlying ESI, i.e., the original formatting, the metadata (as noted below) and, where applicable, the revision history. The parties shall produce their information in the following format: single page .TIFF images and associated multi-page text files (named the same as their Bates numbers) containing extracted text or OCR with Concordance (DAT file with Concordance delimiters) and Opticon image load files containing all requisite information including relevant metadata. Bates numbers and any confidentiality designation should be electronically branded on each produced .TIFF image of ESI but should not be included in the extracted text of ESI. For documents produced in native format, the original file name and the Bates number for each native file shall be produced, and the native files shall be named the same as the starting Bates number for that document or file. Documents or ESI containing color need not be produced initially in color; however, if the original document or ESI is in color the producing party must so identify it as containing color markings and then the requesting party may, in good faith, request that the document or ESI item be produced in its original colors.

d. De-duplication. Removal of duplicate documents must be done for exact duplicate documents (based on MD5 or SHA-1 hash values at the parent document level) and must be

done across custodians and sources. Near-duplicate documents shall be produced rather than removed. The custodian associated with the first copy of a document processed will be considered the primary custodian for that document (the custodian who will be used as the basis for determining which other collected documents are duplicates). The parties shall provide in the load files a field for "All Custodians" or "Duplicate Custodians" which lists every custodian or source who or which possessed a duplicate document.

    e. Native Files.

        1.   MS-Excel, PowerPoint, and Database Files. Except as otherwise provided herein, MS-Excel files, PowerPoint files, CSV files, and similar spreadsheet files and/or databases shall be produced in native format, along with a Bates-numbered single-page .TIFF or .TIF image. The .TIFF or .TIF image shall bear the legend "Produced in Native Format" along with a Bates number and confidentiality designation. The metadata load file for each such document or database shall contain the relevant document designation (i.e. "Confidential" in a field named "Designation"), and a link to the native format document or database named "Native Link." Such links should contain the full directory path and file name of the spreadsheet or database as contained in the production media. To the extent that a document or database contains information subject in part to a claim of privilege or other protection from disclosure, it shall be produced in the form of a redacted .TIFF or .TIF image, rather than in native format.

        2.   MS-Access Files. Except as otherwise provided herein, production of responsive data contained in MS-Access database files shall be in native format along with a Bates-numbered single-page .TIFF or .TIF image stamped "Produced in Native Format." To the extent that any such material contains information subject in part to a claim of privilege or other protection from disclosure, it shall be produced in native format with redactions of allegedly

privileged material. The parties agree to meet and confer, to the extent necessary, as to a reasonable production format for any types of relational databases other than MS-Access.

    3. Non-Convertible Files and Proprietary Files. Common system and program files as defined by the NIST library (which is commonly used by e-discovery vendors to exclude system and program files from document review and production) and ESI accessible only through proprietary software need not be processed, reviewed or produced. Examples of file types that are not conducive to conversion into .TIFF or .TIF format include but are not limited to: *.exp *. ilk *.res *.trg *.tlh *.idb *.pdb *.pch *.opt *.lib *.cab *.mov *.mp3 *.swf *.psp *.chi *.chn *.com. *.dll *.exe *.hlp *.ivi *.ivt *.ix *.msi *.nls *.obj *.ocx *.rmi *.sys *.tmp *.ttf *.vbx *.wav *.wpg *.iso *.pdb *.eps *.mpeg *.mpg *.ram *.rm *.psd *.ai *.aif *.bin *.bqx *. snd *.mpe *.wnw *.wma *.xfd *.db *.bat *.xnk *.qtl *.kob *.mso *.dat *.m4a *.bak *.xll *.blank *.wdf *.cdo *.snp *.rename *.mdi *.sda *.ren *.001 *.crf *.dtf *.eds *.exl *.dwg *.fdf *.pcl *.wmf *.wps *.fpage *.odttf *.cas *.ldl *.wm *.m4p *.dex *.3g2 *.sss *.xyz. The parties agree to meet and confer regarding a reasonable format for production of any such files to the extent necessary.

  f. Metadata. For files not produced in native format, the parties are only obligated to provide the following metadata for ESI produced to the extent such metadata exists and can be reasonably provided. To the extent that either party has a good faith belief there is a need for additional email header paths for particular email(s), the other party agrees to reasonably consider said request and meet and confer as may be necessary.

Field Name	Description
BegDoc#	Displays page ID of first page in a document.
EndDoc#	Displays page ID of last page in a document.
BegAttach	Displays BegDoc# of parent record. When exported, the values will match the field used as the Image Tag.

EndAttach	EndDoc# of last attached document in family. When exported, the values will match the field used as the Image Tag.
PgCount	Number of pages in a document (image records).
FileDescription	Description of native file type, as listed in file type database.
FilePath	Full path to source files (if e-docs or loose e-mail) or folder path contained with a mail store (if NSF or PST).
From	Author of the e-mail message.
To	Main recipient(s) of the e-mail message.
CC	Recipient(s) of "Carbon Copies" of the e-mail message.
BCC	Recipient(s) of "Blind Carbon Copies" of the e-mail message.
DateSent	Sent date of an e-mail message.
TimeSent	Time the e-mail message was sent.
DateRcvd	Received date of an e-mail message.
TimeRcvd	Time the e-mail message was received.
EMail_Subject	Subject of the e-mail message.
Attach	Populates parent records with original filenames of all attached records, separated by semi-colons.
Filename	Original filename of native file. Contains subject of e-mail message for e-mail records.
DateCreated	Creation date of the native file.
TimeCreated	Creation time of the native file.
DateLastMod	Date the native file was last modified.
TimeLastMod	Time native file was last modified.
Title	Title field value extracted from the metadata of the native file.
Subject	Subject field value extracted from metadata of native file.
Author	Author field value pulled from metadata of the native file.

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MD5Hash	Unique identifier, similar to a "fingerprint," extracted from all files imported via EDLoader. Uses 128-bit encryption. May be used for deduping purposes.
All Custodians	Displays textual value of all custodians in possession of native file.
NativePath	Full path to the native file contained on deliverable.
TextPath	Full path to the OCR/Extracted text file contained on deliverable.

g. Redactions. Each redaction on a document shall be completed using white or colored boxes that contain the word "Redacted" at the point of each redaction on each page of the redacted document. The redacted image file should be produced along with OCR text of the redacted file. If metadata displayed in the imaged document was redacted, then that metadata should be excluded from the load file.

2. Modification.

This Stipulated Order may be modified by a Stipulated Order of the parties or by the Court for good cause shown. Any such modified Stipulated Order will be titled sequentially as follows, "First Modified Stipulated Order re: Discovery of Electronically Stored Information for Standard Litigation," and each modified Stipulated Order will supersede the previous Stipulated Order.

_____
Peggy Kuo
United States Magistrate Judge

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Agreed upon by:

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